

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

PB LIFE AND ANNUITY CO., LTD., *et al.*,¹

Debtors in Foreign Proceedings.

UNIVERSAL LIFE INSURANCE COMPANY,

Plaintiff,
v.

GREG E. LINDBERG, individually, CHRIS HERWIG, individually, AAPC HOLDINGS, LLC, ACADEMY FINANCIAL ASSETS, LLC, AGH PARENT, LLC, ALPINE CAPITAL, LLC, ASIM HOLDINGS, LLC, ASL HOLDINGS, LLC, ATKINSON, LLC, ATLANTIC COAST LIFE INSURANCE COMPANY, ATLAS FINANCIAL INVESTMENTS, LLC, AUGUSTA ASSET MANAGEMENT, INC., BEGONIA EIGHT, LLC, BLH CAPITAL, LLC, BLUE DAFFODIL, LLC, BLUE VIOLET, LLC, CAPITAL ASSETS FUND I, LLC, CAPITAL ASSETS FUND II, LLC, CAPITAL ASSET MANAGEMENT I, LLC, CAPITAL ASSETS MANAGEMENT II, LLC, CAPITAL ASSETS MANAGEMENT III, LLC, CARNATION THREE, LLC, CHATSWORTH ASSET MANAGEMENT, LLC, CHRYSANTHEMUM TWO, LLC, CSI INTERCO, LLC, DAHLIA TEN, LLC, DAISY SEVEN, LLC, DRUMMOND GROUP, LLC, DUNHILL HOLDINGS, LLC, ELI GLOBAL, LLC, ENGLERT HOLDINGS, LLC, EPPING, LLC, ERIE PROPERTIES, LLC, FLAGSHIP HOLDINGS,

Chapter 15

Case No. 20-12791 (LGB)
(Jointly Administered)

Adv. Proc. No. 21-01169

**PLAINTIFF'S
DESIGNATION OF RECORD
ON APPEAL AND
STATEMENT OF ISSUES**

¹ PB Life and Annuity Co., Ltd., Northstar Financial Services (Bermuda) Ltd., Omnia Ltd. and PB Investment Holdings Ltd., foreign Debtors, are Bermuda limited companies which each have a registered address in Bermuda c/o Deloitte Ltd., Corner House, 20 Parliament Street, Hamilton HM 12, Bermuda, and are Jointly Administered for procedural purposes, by Order of this Court entered on April 2, 2021, [ECF # 42].

LLC, FLEET ASSIST INTERCO LIMITED,
FLOWERY BRANCH, LLC, FORSYTH, LLC,
FORTREX, LLC, GBIG CAPITAL, LLC, GBIG
HOLDINGS, INC., GBI GROUP, LLC, GERANIUM
TWO, LLC, GILFORD ASSET MANAGEMENT,
LLC, GLOBAL BANKERS INSURANCE GROUP,
LLC, GLOBAL GROWTH HOLDINGS, INC.,
GLOBAL INSURANCE CAPITAL, LLC,
GREENFIELD CAPITAL, LLC, HAMPTON ASSET
MANAGEMENT, INC., HANSEN AEROSPACE,
LLC, HEALTHLINK HOLDINGS, LLC,
HOOKSETT, LLC, HUTCHISON LAW GROUP,
PLLC, INTEGRITY EMR HOLDINGS, LLC,
INTEGRITY EMR, LLC, IRON CITY ASSET
MANAGEMENT, INC., ITECH FUNDING, LLC,
JACKSON ASSET MANAGEMENT, INC., KITE
ASSET MANAGEMENT, INC., LILAC SIX, LLC,
MACON, LLC, MORNING MOUNTAIN
HOLDINGS, LLC, NETHERLANDS INSURANCE
HOLDINGS, INC., NEW ENGLAND CAPITAL,
LLC, NIH CAPITAL, LLC, NOM GB 2018 I, LLC,
PARADIGM PARK HOLDINGS, LLC, PARALLEL
CAPITAL ASSETS, LLC, PERSHING, LLC, RED
BEGONIA, LLC, REVOLVERCAP PARTNERS
FUND, LP, SATORI WATERS, LLC, SEDWICK,
LLC, SENTINEL SECURITY LIFE INSURANCE
COMPANY, SOMERSWORTH, LLC, STANDARD
ADVISORY SERVICES, LTD, STANDARD
FINANCIAL LIMITED, STANDARD
INVESTMENT CAPITAL, LTD, TREATMENT
RESOURCES OF MARGATE, INC., TRITON
FINANCIAL LIMITED, TUX HOLDINGS, LLC,
TYBEE ISLAND ASSET MANAGEMENT, LLC,
UKAT HOLDINGS, LLC, UKAT INVESTMENT
LIMITED, VERDESIAN LIFE SCIENCES, LLC,
WEARE, LLC, YELLOW LOTUS, LLC, YELLOW
SUNFLOWER, LLC, UBS FINANCIAL SERVICES,
INC., GOLDMAN SACHS LENDING PARTNERS,
LLC, CREDIT SUISSE AG CAYMAN ISLANDS
BRANCH, GOLDMAN SACHS BANK USA,
MORGAN STANLEY SENIOR FUNDING, INC.,
THE BRYN MAWR TRUST COMPANY, and
DOES 1 through 10, inclusive

Defendants.

I. Designation of Items to be Included in Record on Appeal

Universal Life Insurance Company (“ULICO”), Plaintiff, hereby designates the following docket entries to be preserved in the record for appeal from the adversary proceeding to the District Court:

- Dkt. No. 1
- Dkt. No. 11
- Dkt. No. 14
- Dkt. No. 25
- Dkt. No. 40
- Dkt. No. 49
- Dkt. No. 65
- Dkt. No. 66
- Dkt. No. 67
- Dkt. No. 68
- Dkt. No. 70
- Dkt. No. 71
- Dkt. No. 73
- Dkt. No. 75
- Dkt. No. 80
- Dkt. No. 81
- Dkt. No. 82
- Dkt. No. 84

- Dkt. No. 88
- Dkt. No. 99
- Dkt. No. 101
- Dkt. No. 111
- Dkt. No. 116
- Dkt. No. 117
- Dkt. No. 123
- Dkt. No. 124
- Dkt. No. 127
- Dkt. No. 130
- Dkt. No. 131
- Dkt. No. 132
- Dkt. No. 133
- Dkt. No. 134
- Dkt. No. 135
- Dkt. No. 136
- Dkt. No. 137
- Dkt. No. 138
- Dkt. No. 140
- Dkt. No. 141
- Dkt. No. 149
- Dkt. No. 151

- Dkt. No. 159
- Dkt. No. 163
- Dkt. No. 165
- Dkt. No. 166
- Dkt. No. 167
- Dkt. No. 168
- Dkt. No. 169
- Dkt. No. 171
- Dkt. No. 172
- Dkt. No. 173
- Dkt. No. 175
- Dkt. No. 176
- Dkt. No. 177
- Dkt. No. 178
- Dkt. No. 179
- Dkt. No. 180
- Dkt. No. 181
- Dkt. No. 182
- Dkt. No. 183
- Dkt. No. 184

II. Statement of Issues to be Presented

ULICO presents the following issues to be reviewed on appeal to the District Court:

1. Did the Bankruptcy Judge err by dismissing the case for want of subject matter jurisdiction under 28 U.S.C. § 1334?
2. Did the Bankruptcy Judge err by refusing to address whether subject matter jurisdiction was present based on diversity pursuant to 28 U.S.C. § 1332?
3. Did the Bankruptcy Judge properly deny ULICO's Motion to Alter or Amend Judgment of Dismissal Under Rule 9023 for lack of subject matter jurisdiction where both "related to" jurisdiction and diversity jurisdiction are present and have been alleged?
4. Did ULICO consent to entry of final orders by the Bankruptcy Court where no express consent was included in its pleading, a jury demand was made, and ULICO could not have reasonably anticipated a final order to be entered upon hearing of a motion for leave to amend a complaint?

Dated: New York, New York
June 24, 2022

Respectfully submitted,

CLYDE & CO US LLP

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